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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation/Petition to
Revoke Probation Against:
MARGARET ELIZABETH JONES, R.C.P.
P.O. Box 6074
Crestline, CA 92325
Respiratory Care Practitioner License No. 2386
Respondent.

Case No. D1-2006-245
OAH No. 00-000-00
**DEFAULT DECISION
AND ORDER**
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 22, 2009, Complainant Stephanie Nunez, in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs, filed Accusation/Petition to Revoke Probation No. D1-2006-245 against MARGARET ELIZABETH JONES, R.C.P. (Respondent) before the Respiratory Care Board.

2. On or about May 17, 1985, the Respiratory Care Board (Board) issued Respiratory Care Practitioner License No. 2386 to Respondent. The Respiratory Care Practitioner License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2009, unless renewed.

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1 3. On or about January 22, 2009, Andrea Pina, an employee of the
2 Complainant Agency, served by Certified Mail a copy of the Accusation/Petition to Revoke
3 Probation No. D1-2006-245, Statement to Respondent, Notice of Defense, Request for
4 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
5 address of record with the Board, which was and is: P.O. Box 6074 Crestline, CA 92325. A true
6 and correct copy of Accusation/Petition to Revoke Probation D1-2006-245, the related
7 documents, and Declaration of Service are attached hereto as Exhibit A, incorporated herein by
8 reference as if fully set forth herein.

9 4. Service of the Accusation/Petition to Revoke Probation was effective as a
10 matter of law under the provisions of Government Code section 11505, subdivision (c).

11 5. On or about February 17, 2009, the certified mail documents were returned
12 by the U.S. Postal Service marked "Unclaimed." A true and correct copy of the envelope
13 returned by the post office is attached hereto as Exhibit B, and incorporated herein by reference
14 as if fully set forth herein..

15 6. Government Code section 11506, subdivision (c), states:

16 "The respondent shall be entitled to a hearing on the merits if the respondent files
17 a notice of defense, and the notice shall be deemed a specific denial of all parts of
18 the accusation not expressly admitted. Failure to file a notice of defense shall
19 constitute a waiver of respondent's right to a hearing, but the agency in its
20 discretion may nevertheless grant a hearing."

21 7. Respondent failed to file a Notice of Defense within 15 days after service
22 upon her of the Accusation/Petition to Revoke Probation, and therefore has waived her right to a
23 hearing on the merits of Accusation/Petition to Revoke Probation No. D1-2006-245.

24 8. California Government Code section 11520 states, in pertinent part:

25 "(a) If the respondent either fails to file a notice of defense or to appear at the
26 hearing, the agency may take action based upon the respondent's express admissions or
27 upon other evidence and affidavits may be used as evidence without any notice to
28 respondent."

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A and B, finds that the allegations in Accusation/Petition to Revoke Probation No. D1-2006-245, and each of them separately and severally, are true.

10. The Respiratory Care Board further finds that pursuant to Business and Professions Code section 3753.5, the costs of investigation and enforcement of the case prayed for in the Accusation/Petition to Revoke Probation total \$4,108.00, based on the declaration of Matthew M. Davis in support of Complainant's request for cost recovery contained in Exhibit C.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent MARGARET ELIZABETH JONES, R.C.P. has subjected her Respiratory Care Practitioner License No. 2386 to discipline.

2. A true and correct copy of Accusation/Petition to Revoke Probation
No.D1-2006-245 and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Respiratory Care Board is authorized to revoke Respondent's Respiratory Care Practitioner License based upon the following violations alleged in the Accusation/Petition to Revoke Probation:

a. Violation of Probation pursuant to Stipulated Settlement and Disciplinary Order in Respiratory Care Board case No. R-2053, including failure to comply with biological fluid testing requirements; failure to file quarterly reports; failure to pay probation monitoring costs; and failure to comply with cost recovery requirements.

5. Respondent is hereby ordered to pay the above costs of investigation and enforcement of this action.

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1 ORDER

2 IT IS SO ORDERED that Respiratory Care Practitioner License No. 2386,
3 heretofore issued to Respondent MARGARET ELIZABETH JONES, R.C.P., is revoked.

4 Respondent is ordered to reimburse the Respiratory Care Board the amount of
5 \$4,108.00 for its investigative and enforcement costs. The filing of bankruptcy by Respondent
6 shall not relieve Respondent of her responsibility to reimburse the Board for its costs.
7 Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all
8 costs ordered under Business and Professions Code section 3753.5 have been paid.

9 Pursuant to Government Code section 11520, subdivision (c), Respondent may
10 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
11 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
12 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
13 statute.

14 This Decision shall become effective on May 9, 2009.

15 It is so ORDERED April 9, 2009

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18 Original signed by:
19 LARRY L. RENNER, BS, RRT, RCP, RPFT
20 PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

21 jones_m_default.wpd
DOJ Matter ID: SD2008803377

22 **Attachments:**

23 Exhibit A: Accusation/Petition to Revoke Probation No. D1-2006-245, Related Documents,
24 and Declaration of Service
25 Exhibit B: Copy of Envelope Returned by Post Office
Exhibit C: Certification of Costs: Declaration of Matthew M. Davis